

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

KENNETH ANTHONY IDEL
a/k/a Kenneth Anthony Idel Culbreth

CIVIL ACTION NO. 13-1262

VERSUS

JUDGE FOOTE

LOUIS EDWARDS, ET AL

MAGISTRATE JUDGE HORNSBY

O R D E R

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that Plaintiff's **Motion for Summary Judgment (Doc. 132)** is **denied**.

IT IS FURTHER ORDERED that Defendants' **Motion for Summary Judgment (Doc. 110)** is **granted in part** by dismissing (1) all claims based on the lack of criminal charges against Charles Cody, (2) all procedural due process claims related to the disciplinary proceedings and sanctions, (3) all claims for loss of or damage to property, (4) all claims for denial of access to the courts, (5) all claims based on equal protection and sexual orientation, (6) all claims based on retaliation, and (7) all claims against Mark Hunter, Jamie Fussell, Patrice Kennedy, Jerry Goodwin, and Angie Huff. Defendants' motion is **denied** in all other respects.

The only remaining claims are: (1) conditions of confinement claim against Lonnie Nail and (2) failure to protect claim against Louis Edwards, Glen Goodwin, Antonio Turner, James Arnold, and Roderick Malcolm. In his objections to the Report and Recommendation of the Magistrate Judge, Lonnie Nail raised a new defense regarding the failure to exhaust administrative remedies on Plaintiff's conditions of confinement claim. The Court finds that it is more appropriate that the new

defense be the subject of a separate motion so that it may be fully briefed. Accordingly, this order is without prejudice to the exhaustion defense, which Nail may assert by separate motion by October 26, 2015.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 30th day of SEPTEMBER, 2015.

ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT JUDGE